

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE STATE STREET BANK AND  
TRUST CO. FIXED INCOME FUNDS  
INVESTMENT LITIGATION

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MDL No. 1945

MEMORIAL HERMANN HEALTHCARE  
SYSTEM AND THE HEALTH  
PROFESSIONALS INSURANCE COMPANY,  
LTD.,

Plaintiffs,

No. 08 Civ. 5440 (RJH)

v.

STATE STREET BANK & TRUST  
COMPANY,

Defendant.

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**STATE STREET'S MOTION TO STRIKE  
PLAINTIFFS' FOURTH AMENDED COMPLAINT**

Defendants State Street Bank & Trust Co. and State Street Global Advisors ("State Street") hereby move pursuant to Federal Rule of Civil Procedure 15(a) to strike the unauthorized amendments in paragraphs 23, 26, 28, 40, 41, and 48 in the Fourth Amended Complaint submitted on behalf of Plaintiffs Memorial Hermann Healthcare System ("MHHS") and the Health Professionals Insurance Company, Ltd. ("HePIC") (collectively, "Memorial Hermann"), or alternatively, to adopt the proposed Fourth Amended Complaint as the operative complaint in this action. The grounds for this motion are set forth in Defendants' supporting memorandum, filed herewith.

Dated: October 15, 2010

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*Attorneys for Defendant State Street Bank and  
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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2010, I caused a true and correct copy of the foregoing document to be served upon the all counsel of record via the ECF system.

/s/ Allison M. Boscarine  
Allison M. Boscarine